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**RESOLUTION NO. 2019-20
APPROVING REVISIONS TO THE YUMA COUNTY RISK MANAGEMENT,
OCCUPATIONAL HEALTH AND SAFETY POLICY.**

DOCUMENT APPROVAL:

Approved by Yuma County Board of Supervisors:
June 17, 2019, Item No. C6



YUMA COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 2019-20

A RESOLUTION OF THE YUMA COUNTY BOARD OF SUPERVISORS ADOPTING REVISIONS TO THE YUMA COUNTY RISK MANAGEMENT, OCCUPATIONAL HEALTH AND SAFETY POLICY

WHEREAS: Pursuant to Article 3, Section 101(A) of the *Yuma County Risk Management, Occupational Health and Safety Policy*, the Yuma County Administrative Services Director has reviewed said policy and identified portions in need of revision; and

WHEREAS: This policy supersedes any and all other Risk Management, Occupational Health and Safety policies previously adopted;

NOW, THEREFORE, BE IT RESOLVED that the *Yuma County Risk Management, Health and Safety Policy* is adopted to read as follows:

Yuma County Enterprise Risk Management, Health and Safety Policy

Adopted by the Yuma County Board of Supervisor on December 5, 2005

Adopted this 17th day of June, 2019.



Marco A. "Tony" Reyes, Chairman

ATTEST:



SUSAN K. THORPE
County Administrator/Clerk of Board

APPROVED AS TO FORM AND DETERMINED TO BE WITHIN THE SCOPE OF PERFORMANCE OF DUTY OF THE YUMA COUNTY BOARD OF SUPERVISORS:



JON R. SMITH, County Attorney

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POLICY STATEMENT

Realizing the importance of maintaining a safe workplace for the benefit of both its employees and the general public, Yuma County ("the County") has established the *Yuma County Enterprise Risk Management, Occupational Health and Safety Policy* to be used in the implementation and administration of an effective enterprise risk management and occupational safety program. A copy of this policy shall be kept in the binder which contains each Agency's Hazard Communication Program and Safety Data Sheets and shall be available for copying and inspection by any employee at any time.

The *Yuma County Enterprise Risk Management, Occupational Health and Safety Policy* represents the *minimum* requirements in the areas of risk management and safety. Some Agencies have safety concerns and requirements unique to their daily job functions. Therefore, individual Agencies may promulgate and enforce their own risk management and safety policies *in addition to* this policy to address these unique needs. Said policies may be *more* stringent, but *no less* stringent, than the measures outlined herein.

Compliance by all County employees with the directives of this policy will result in a safer workplace which will enable the County to maintain a high level of professionalism, courtesy, and quality of service, while protecting its human and financial resources.

DEFINITIONS

The following words and phrases have the defined meanings unless otherwise clearly indicated by the context.

Administrative Services Director means the individual responsible for controlling accidental losses, encouraging safety, obtaining insurance coverage, overseeing the administration of claims against the County and its employees, and managing the County's Enterprise Risk Management Program.

Agency means any governmental office, or department, of Yuma County.

Agency Head means the elected or appointed officer of any department or office of the County.

ACIP shall mean the Arizona Counties Insurance Pool which provides the County with property, liability, and workers' compensation coverage.

Board of Supervisors means the collective members of the body elected pursuant to Arizona law and which exercise the powers of the County granted by the Arizona Constitution.

Liability Insurance means insurance that is primarily concerned with the losses caused by injuries to persons, and legal liability imposed on the insured for such injury or for damage to the property of others.

Claim means a demand by an individual or corporation for monetary compensation for a loss experienced by said individual or corporation.

County means Yuma County, a political subdivision of the State of Arizona.

County Administrator means the chief executive officer of the County appointed by, and serving at the pleasure of, the Board of Supervisors.

County Attorney means the individual who acts as the legal advisor to the Board of Supervisors, attends its meetings and opposes claims against the County which the County Attorney deems unjust or illegal.

Employee means any individual who is employed by the County, any volunteer, agency head, or any individual who works for commissions, boards, districts, and authorities, all of whom operate under the direct supervision of the County, when acting in their capacity as agents of the County.

Enterprise Risk Management shall mean an approach to managing all of an organization's key risks and opportunities to maximize value.

Ergonomics means an applied science concerned with the characteristics of people that need to be considered in designing and arranging things that they use in order that people and things will interact effectively and safely.

Hazardous Energy means any source of energy including, but not limited to, mechanical, electrical, hydraulic, pneumatic, chemical and thermal that pose a threat to the safety and/or health of persons utilizing said energy.

HIPAA – The Health Insurance Portability and Accountability Act of 1996.

Lockout Device means an apparatus that holds energy isolation devices (i.e. on/off switches) in a safe or off position thereby providing protection by preventing machines or equipment from becoming energized because they are positive restraints that no one can remove without a key or other unlocking device.

Malingering means to pretend to be ill or injured in order to avoid work.

Minor Injury shall mean any injury for which medical treatment rendered by a health care professional is not sought.

OSHA means the Williams-Steiger Occupational Safety and Health Act of 1970.

Opportunity shall mean a decision, idea or action that presents the potential for obtaining an objective, if implemented.

Personal Data Device shall mean portable electronic devices including cell phones, tablets, iPods, and the like.

Peril means a cause of loss.

Property shall mean both real and personal business property owned by the County and utilized for County business and shall include the property owned by others if such property is used by the County.

Property Insurance is first-party insurance that indemnifies County property for its loss, or the loss of its income producing ability, when the loss is caused by a non-excluded peril.

Proxy Card is an identification card which, when used, allows access to a secure building.

Risk shall mean the effect of uncertainty, whether positive or negative, on objectives.

Risk Assessment shall mean the process used to identify, analyze, and evaluate risks.

Risk Treatment shall mean the control or process put in place to modify a risk.

Safety Compliance Manager shall mean the employee responsible for creating, implementing, and maintaining County-wide occupational safety programs and training and ensuring county-wide compliance with local, state, and federal safety rules and regulations.

Serious Injury shall mean any injury for which an employee seeks medical treatment, including first aid, if such

medical treatment is rendered for a charge.

Tagout Device means a prominently displayed warning device that an authorized employee fastens to energy isolation devices to warn other employees not to energize the machine while it is being serviced.

Unemployment Insurance means the mandatory social insurance that assists individuals who become unemployed.

Workers' Compensation Insurance means the mandatory social insurance that pays medical costs, wage benefits, and/or disability to employees who experience work related injuries.

SECTION 1

INSURANCE COVERAGE AND CLAIM ADMINISTRATION

LIABILITY INSURANCE AND CLAIMS

1.00 PURPOSE - The primary concern of an effective liability insurance program is reducing and preventing the occurrence of incidents which lead to financial liability for the County. Liability risk generally arises from the actions and/or inactions of the County personnel in the carrying out of their official duties or from structural defects and/or hazardous conditions on County property.

1.01 INSURANCE COVERAGE - The Yuma County Board of Supervisors ("the Board") approves the purchase of all policies insuring the County's liability risk. The County's liability insurance policies cover liabilities incurred by the following:

- (A) Ownership of real property by the County.
- (B) Ownership of personal business equipment by the County including computers, furniture and fixtures.
- (C) Ownership and operation of motor vehicles, heavy equipment, all-terrain vehicles (ATV's), boats, and planes by the County and its employees.
- (D) Operation of employees' personal vehicles if used in the course of their employment with the County and if such use is approved by the Agency Head.
- (E) Actions or inactions of past or present employees, volunteers, elected or appointed officials of the County as well as commissions, boards, districts, and authorities which operate under the direct supervision and control of the County, when acting in their capacity as agents of the County.

1.02 CATEGORIES OF LIABILITY LOSS - Three categories of liability loss shall be utilized by the Administrative Services Director to track claims: Auto, General, and Errors & Omissions ("E&O").

- (A) **Auto** - Losses caused to third parties when a County employee is involved in an accident while driving County-owned automobiles, heavy equipment, or the employee's personal vehicle when being used for bona fide County business shall be classified as "Auto" liability losses.
- (B) **General** - Losses caused to third parties other than Auto and E&O, including, but not limited to, such things as slips and falls in County-owned buildings and injuries resulting from structural defects, shall be classified as "General" liability losses.
- (C) **E&O** - Losses caused to third parties and arising out of a negligent act, or failure to act, by a

County employee shall be classified as "E&O" liability losses.

- 1.03 CLAIM ADMINISTRATION** - All liability claims approved for payment shall be paid by the County to a limit set pursuant to the Memorandum of Coverage between ACIP and the County. All amounts which exceed this limit shall be paid by ACIP. All claims shall be administered and tracked by the Administrative Services Director. All County Agencies shall, upon request, make available to potential claimants a County approved *Notice of Claim* form. County employees shall not assist a potential claimant in the preparation of any claim. County employees shall direct potential claimants to the Administrative Services Director if they have any questions regarding the *Notice of Claim* form.
- 1.04 CLAIM PAYMENT** - The Administrative Services Director shall be responsible for processing payments of all approved settlements.
- 1.05 CLAIM SETTLEMENT AUTHORITY** - Claim settlement authority shall be as follows:
- (A) **Administrative Services Director** – The County Administrative Services Director shall have the authority to settle all claims against the County for amounts not to exceed \$10,000.00.
 - (B) **County Attorney** – The County Attorney, including its Deputy County Attorneys, shall have the authority to settle all claims and suits against the County for amounts exceeding \$10,000 but not to exceed \$30,000.00, exclusive of attorney fees and costs.
 - (C) **County Administrator** – Approval of the County Administrator shall be required for the settlement of all claims and suits against the County for amounts exceeding \$30,000.00, but not to exceed the limit set pursuant to Section 1.03, exclusive of attorney fees and costs.
 - (D) **The Board** – The Board shall be notified of all settlements in excess of the limit set pursuant to Section 1.03. Settlement amounts in excess of the limit set pursuant to Section 1.03 shall be subject to the conditions contained in the Memorandum of Coverage between ACIP and the County.
- 1.06 SELF INSURANCE FUND** - The Administrative Services Director shall be responsible for the management of the County's self-insurance fund. Such management responsibilities shall include, but not be limited to, preparing an annual budget, creating requisitions to pay for the charges made against the fund, and allocating premium costs.
- 1.07 LOSS PREVENTION** - Loss prevention procedures such as employee training, use of safety devices and programs, regular inspections and risk assessments, and maintenance programs, shall be implemented to reduce the frequency or likelihood of liability losses.
- (A) **Vehicle Fleet Management** - All departments utilizing vehicles shall be subject to the County's Vehicle Fleet Management program.

(B) Driver Selection/Approval – Only those employees who meet the qualifications of this section shall be permitted to operate vehicles on behalf of the County.

(1) All employees who drive vehicles in the course of their employment with the County shall be classified in one of the two following ways:

(a) Occasional Driver – Any employee whose use of a vehicle is incidental to their regular job description shall be classified as an occasional driver. Occasional drivers shall attend driver safety training upon hire and then once every two years thereafter.

(b) Regular Driver – Any employee whose use of a vehicle is a part of their job description shall be classified as a regular driver. Regular drivers shall attend driver safety training upon hire and then once per year thereafter.

(2) To evaluate the fitness of an employee as an occasional driver, Human Resources shall:

(a) Ensure the employee has a current Arizona driver's license; and

(b) Ensure the employee is at least 18 years of age.

(3) To evaluate the fitness of an employee as a regular driver, Human Resources shall:

(a) Annually the employee's Motor Vehicle and keep a record of said review;

(b) Ensure the employee has a valid driver's license;

(c) Ensure the employee is at least 18 years of age; and

(d) Ensure the employee is licensed to operate the type of vehicle he/she will drive.

(4) Employees classified as either an occasional or as a regular driver, shall not be permitted to drive a County vehicle if within one year:

(a) The driver has been convicted of driving under the influence of drugs or alcohol; or

(b) The driver has been convicted of two or more moving violations.

(5) Annual motor vehicle record reviews shall be administered under the County's Fleet Management Program and governed by internal policies and procedures established by Human Resources.

(C) Operating Vehicles – All employees who are qualified pursuant to this section to operate a motor vehicle on behalf of the County shall be required to follow the guidelines in Section 1.07(C). Failure of an employee to follow said guidelines will result in disciplinary action which may include suspension or revocation of driving privileges, termination of employment with the County, or other discipline pursuant to the County's Personnel Rules and Regulations.

(1) County Owned Vehicles – Use of any and all vehicles owned by the County shall be restricted to present employees and volunteers or elected/appointed officials who are at least 18 years of age, have a valid driver's license, and who operate under the direct supervision and control of the County. Any person operating a County vehicle shall not use it for personal reasons, nor use it to transport individuals who are not employed by the County unless transporting such individuals falls within the scope and duty of the employee driver and is approved by the Agency Head. Those employees using County vehicles will be responsible for assuring that proof of insurance is kept in the vehicle. The Administrative Services Director shall send copies of the updated certificates of insurance each year and these shall be placed in the glove box of each vehicle. Expired certificates shall be removed and destroyed.

(a) Employees of the State of Arizona – Employees of the State of Arizona who work in or for the Superior Courts, Adult and Juvenile Probation, and the Clerk of the Superior Court and who operate County owned vehicles shall be subject to the requirements of Section 1.07(B) of this policy. As a condition of use of County owned vehicles, it is understood that the State of Arizona shall release, hold harmless and indemnify the County, its officers, agents, and employees from any and all claims, liability, damages, losses and expenses, including court costs and attorney's fees, arising out of their employees' use of any County owned vehicle.

(2) Rental Vehicles – Rental vehicles shall only be used for travel authorized by the Agency Head. Users of rental vehicles are responsible for filling out the appropriate travel forms so that the rental company will be paid. Rental vehicles shall be driven by, and used to transport, County employees only. Individuals other than employees may be transported in rental vehicles if such transporting falls within the scope of the duties of the County employee and is approved by the Agency Head.

(3) Personal Vehicles – Employees who drive their personal vehicles while on County business are subject to the requirements of this policy.

(a) Employee is required to have his/her vehicle in a condition which is in compliance with Arizona State law prior to using it for County business. Employee may not use a personal vehicle if said vehicle is in disrepair, does not have the required safety equipment, or if the vehicle presents a hazard to the employee or other drivers using the roadway.

- (b) Employee must obtain authorization from his/her Agency Head prior to use of a personal vehicle for County business.
 - (c) Employee must maintain liability insurance with minimum limits required by law. Proof of insurance must be provided to the Agency Head by the employee prior to using his/her vehicle to travel.
 - (d) While in the course of County business, personal vehicles shall be driven by, and used to transport, County employees only. Individuals other than county employees may be transported in personal vehicles if such transporting falls within the scope of the duties of the County employee and is approved by the Agency Head.
 - (e) If at any time an employee decides to have his/her family members accompany them in his/her personal vehicle while he/she is performing duties in his/her capacity as a County employee, the personal automobile insurance policy of said employee shall be the primary insurer of the employee's family members who sustain injuries as a result of an accident involving the employee's personal vehicle. For property damages to the employee's vehicle and/or personal injuries sustained by the employee while he/she is performing duties in his/her capacity as a County employee, the County shall be the primary insurer.
 - (f) If a situation arises in which an employee must use his/her vehicle for a personal reason while conducting County business, said employee will be considered "off duty" while attending to the personal matter and will not be considered "on duty" until his personal business is complete and he/she is again performing work for the County. The distinction between "off-duty" and "on-duty" is made only for insurance coverage purposes and will not require tracking by the Agency Head.
- (4) **Commercial Vehicles** – Employees who drive County-owned commercial vehicles must have a valid Arizona Commercial Driver's License (CDL) as well as a current health card.
- (a) The Agency Head shall be responsible for ensuring that his/her commercial drivers have a valid CDL and shall maintain records that verify that the Agency Head has performed a verification of such validity.
 - (b) The Agency Head shall be responsible for ensuring that his/her commercial drivers have a current health card and shall maintain records that verify that the Agency Head has performed a verification of such currency.
- (5) **Use Of Vehicles Outside the United States** – Employees shall not drive County vehicles or personal vehicles authorized for County use outside the United States unless all of the

following requirements are met:

- (a) The purpose for driving the vehicle outside the United States is directly related to a County function;
 - (b) The use is authorized by the Agency Head; and
 - (c) Appropriate insurance certificates are placed in the vehicle.
- (6) **Traffic Laws** – All traffic laws shall be obeyed by County employees while using County vehicles, personal vehicles or rental vehicles, in the course of their employment. Payment of any and all fines arising from an employee's violation of traffic laws will be the sole responsibility of the violating employee.
- (7) **Alcoholic Beverages/Illegal Drugs** – At no time and under no circumstances will a County employee drive a County vehicle under the influence of alcoholic beverages and/or illegal drugs.
 - (a) In the event a motor vehicle accident occurs while an employee is conducting County business, and there is a reasonable suspicion that the employee is under the influence of alcohol and/or illegal drugs, said employee will be required to submit to an alcohol/drug test.
 - (b) Any employee involved in a motor vehicle accident while on County business and who refuses to submit to an alcohol/drug test when there is a reasonable suspicion that he/she is under the influence of alcohol and/or drugs, will be subject to disciplinary action that may include termination from employment with the County.
 - (c) Any employee found to be under the influence of illegal drugs and/or alcohol at the time of a motor vehicle accident will be subject to discipline pursuant to the Yuma County Personnel Rules and Regulations, which may include termination from employment with the County.
- (8) **Prescription Medication/Illness** – If at any time a County employee is impaired by reason of illness or the effects of prescription medication, said employee shall contact his/her supervisor. It is then the supervisor's responsibility to take appropriate action to ensure that the employee can carry out his/her duties safely and effectively.
- (9) **Use of Cellular Telephones and Personal Data Devices** – Employees' use of cellular telephones and personal data devices while operating a vehicle shall be subject to the following:

- (a) Employees shall obey all federal, state, and/or local laws regarding the use of cellular telephones and personal data devices while operating a vehicle.
- (b) Employees shall not use cellular telephones or personal data devices while driving either their personal or County vehicle when said vehicle is being used for County business.
- (c) Employees needing to use their cellular telephones or personal data devices shall locate a lawfully designated area to park prior to initiating use.
- (d) Law enforcement personnel may use their cellular telephones while driving provided that such use is necessary to the efficient performance of their law enforcement duties and such use does not violate federal, state, and/or local laws.

(D) Revocation/Suspension of Driving Privileges – If, during employment with the County, an employee violates the provisions of this policy, the employee will be subject to disciplinary actions to include, but may not be limited to, revocation and/or suspension of driving privileges.

- (1) If an employee's driving privileges have been revoked pursuant to this policy, they may be reinstated if the employee attends a safe driving class offered by the Risk Management Division of the Yuma County Administrator's Office or a non-County vendor qualified to provide such training. If the employee decides to attend a safe driving class offered by a non-County vendor, the expense of attending said class shall be borne by the employee.
 - (a) The Agency Head, with the concurrence of the County Administrator, may suspend revocation of the employee's driving privileges upon written agreement with the employee that he/she will schedule and attend a safe driving class. During the period of time between the signing of the agreement and the successful completion of the safe driving course, the employee may be allowed to drive a County vehicle on a probationary basis. During the period of probationary use, driving privileges shall be subject to periodic review by the Agency Head and may be revoked pursuant to this Policy and in accordance with the Yuma County Personnel Rules and Regulations.
 - (b) The decision to reinstate an employee's driving privileges shall be made at the discretion of the Agency Head and shall require concurrence by the County Administrator as well as written verification of the employee's successful completion of a safe driving class. Said verification shall be presented to the employee's Agency Head, to the Administrative Services Director, and to the County's Human Resources Department for placement in the employee's personnel file.
- (2) If an employee's driving privileges have been revoked pursuant to Section 1.07(D), but has

not been dismissed from employment with the County, he/she shall be ineligible for reinstatement of his/her driving privileges unless he/she successfully completes an alcohol and/or drug education program and attends a safe driving class.

- (a) Prior to reinstatement of driving privileges, the employee shall provide written evidence of his/her successful participation in an alcohol and/or drug education program as well as successful participation in a safe driving class. Said evidence shall be presented to the employee's Agency Head, to the Administrative Services Director, and to the County's Human Resources Department for placement in the employee's personnel file.

1.08 HAZARDOUS CONDITIONS - Any employee who notices a hazardous, or potentially hazardous, condition in County buildings, vehicles and machinery or on any property owned and maintained by the County, and which has the potential to cause injury to persons or damage to property, shall take appropriate action using the following guidelines:

- (A) Correct the problem causing the hazard (examples of problems that can be corrected by the employee include, but are not limited to, certain liquid spills, obstructions of exits and walkways by boxes and other department materials, overloading of power outlets by plugging in an excessive number of appliances, etc.).
- (B) If the problem causing a hazard is beyond the means of an employee to correct (i.e. vehicle problems, electrical problems or structural hazards), the employee should notify the Agency Head and the Agency's Safety Officer who will be responsible for correcting the problem.
- (C) If the Agency Head and the Safety Officer need assistance in correcting the hazard within their Agency, the Agency Head should inform the Safety Compliance Officer and the Administrative Services Director of the problem. The Safety Compliance Officer and the Administrative Services Director will then assist the Agency Head in correcting the hazard.
- (D) If the Agency Head and the Safety Officer can correct the hazard, the Agency Head shall inform the Safety Compliance Officer of the hazard and of the remediation undertaken to correct it.

1.09 HAZARDOUS CHEMICALS AND PROCESSES - All hazardous chemicals and processes utilized in the workplace shall be governed by the Yuma County Hazard Communication program, a copy of which is contained in the HAZCOM/SDS binder of each Agency.

1.10 MAINTENANCE - Maintenance shall be divided into two areas: 1) preventative maintenance and 2) demand maintenance. Maintenance shall apply to all County vehicles, machinery and equipment.

- (A) **Preventative Maintenance** – Preventative maintenance of County vehicles and equipment shall be

performed according to the manufacturer's recommendations to assure proper functioning and to prevent voiding of any manufacturer warranties. A record of all maintenance performed should be kept.

- (B) Demand Maintenance** – Demand maintenance shall be performed when the equipment's parts are damaged or worn. Some parts are replaced when they fail (i.e. light bulbs, wiper blades, seats) and others when wear is detected through periodic inspections (i.e. tires, batteries, transmission/engine parts).

1.11 LOSS MITIGATION - All employees shall take immediate action following an accident to reduce the physical and/or financial impact on individuals and the County.

- (A) Accident Protocol** - In the event of a vehicular or non-vehicular accident, all County employees shall implement the following protocol:

- (1)** Any employee involved in, or witness to, an accident while on County business or on County property, shall immediately contact emergency services (through the agency's non-emergency numbers if the accident is non-injury or 911 if there are injuries) and report the accident.
- (2)** The employee shall report the accident to the employee's supervisor. If the employee's supervisor is unavailable, the employee shall call the Administrative Services Director.
- (3)** Supervisors shall report the accident immediately to the Administrative Services Director.
- (4)** Employees shall cooperate with law enforcement and any and all other emergency service responders.
- (5)** Employees shall not make any statements about liability or fault.
- (6)** Employees shall complete an Incident Report Form to record the names, addresses and phone numbers of all persons involved and as many witnesses as possible. If there are any witnesses, employees shall request that they complete a witness statement. All completed forms shall be immediately forwarded to the Administrative Services Director and the Safety Compliance Manager.
- (7)** If a County vehicle or other County property is damaged in the accident, repair requests and invoices shall be processed through the Administrative Services Director.

- (B) Claim Protocol** - In the event that a claim is filed against the County, all employees shall implement the following protocol:

- (1) All communication concerning claims involving employees or County property shall be directed to the Administrative Services Director.
- (2) Employees shall not respond to letters, claims, or court documents which make claims against the County, its departments, officers or employees. Employees shall contact the Administrative Services Director if they receive such documents.
- (3) The Administrative Services Director shall be contacted concerning any question regarding liability claim protocol.
- (4) Upon request, employees shall provide a County approved *Notice of Claim* form to any and all claimants who request a form.
- (5) Employees shall not assist claimants in completing claim forms and shall direct claimants to the Administrative Services Director if said claimants have any questions or concerns.

1.12 PROCESSING OF CLAIMS - When the Clerk of the Board ("the Clerk") receives notification of a claim against the County, its special taxing or improvement districts, its agents, employees or officers, the following procedures shall be observed:

- (A) The Administrative Services Director shall be the administrator of all liability claims for the County and shall be responsible for all risk management files including, but not limited to, the opening, closing, archiving and destruction of same.
- (B) Upon receipt of a claim, the Clerk shall cause the claim to be date stamped with the time and date pursuant to Board of Supervisor policy.
 - (1) The claim shall then be forwarded to the Administrative Services Director and the County Attorney for processing. A copy shall also be forwarded to Human Resources.
 - (a) Any claim that can be settled or denied within the authority granted to the Administrative Services Director pursuant to Section 1.05(A) shall be handled by the Administrative Services Director, and subject to the following:
 - (i) At the request of the County Attorney, the Administrative Services Director shall provide to the County Attorney copies of any and all responses made by the Administrative Services Director to claimants involving claims that fall within the authority of the Administrative Services Director to administer; and
 - (ii) At the request of the County Attorney, the Administrative Services Director shall consult with the County Attorney to discuss the Administrative Services Director's intentions regarding response to claims and to receive input or advice from the County Attorney.

(b) Any claim requiring a legal analysis or response, or is beyond the settlement authority of the Administrative Services Director, shall be forwarded to the County Attorney for administration.

(i) The County Attorney shall provide to the Administrative Services Director a copy of any and all responses made to the claimant by the County Attorney.

(ii) Prior to formulation of its formal response, the County Attorney shall consult with the Administrative Services Director to discuss the County Attorney's plan of action and to receive input from the Administrative Services Director.

(iii) The County Attorney shall meet at regular intervals with the Administrative Services Director to provide information necessary to the tracking of the loss history of claims referred to the County Attorney for handling.

(2) County Agencies and employees shall cooperate fully with the Administrative Services Director when he/she is investigating the allegations of a claim.

(a) The Administrative Services Director shall be granted access to all documents (both paper and electronic), witnesses, accident and/or crime scenes, and property of the County necessary to the investigation of the claim.

(i) The Administrative Services Director shall not be granted access if such access would violate applicable federal or state law or County ordinance.

(ii) The Administrative Services Director shall maintain the integrity and confidentiality of all records provided to him/her and which are protected by federal or state law or County ordinance, and shall not disclose them to any unauthorized parties, unless required to do so by law.

1.13 PROCESSING OF LAWSUITS - When the Clerk of the Board ("the Clerk") receives notification of a lawsuit against the County, its special taxing or improvement districts, its agents, employees or officers, the following procedures shall be observed:

(A) Upon receipt of a lawsuit, the Clerk shall cause the claim to be date stamped with the time and date pursuant to Board of Supervisor policy.

(1) The Clerk shall forward copies of the lawsuit to the County Attorney and the Administrative Services Director. A copy shall also be forwarded to Human Resources.

(a) Copies of lawsuits filed in the Arizona Tax Court, those wherein the County is listed as a party due to its status as a taxing entity, zoning cases that do not involve

damages (compensatory or punitive) and cases wherein only injunctive relief is requested, need not be forwarded to the Administrative Services Director.

- (2) The County Attorney shall apprise the Administrative Services Director of any and all significant developments in the lawsuit and shall forward all settlement and expense invoices in connection with the case to the Administrative Services Director for processing and tracking.
- (3) Upon receipt of a complaint and summons, the County Attorney shall provide a litigation management plan to the County Administrator and the County Administrative Services Director and shall advise the County Administrator and the County Administrative Services Director if changes to the plan become necessary.
- (4) When investigating the allegations contained in a lawsuit naming the County, its agents, employees or insurers, County Agencies and employees shall cooperate fully with the Administrative Services Director.
 - (a) The Administrative Services Director shall be granted access to all documents (both paper and electronic), witnesses, accident and/or crime scenes, and property of the County necessary to the investigation of the suit.
 - (i) The Administrative Services Director shall not be granted access if such access would violate applicable federal or state law or county ordinance.
 - (ii) The Administrative Services Director shall maintain the integrity and confidentiality of any and all records provided to him/her and which are protected by federal or state law or county ordinance, and shall not disclose the nature of said documents to any unauthorized parties, unless required to do so by law.

1.14 INSPECTIONS - All County Agencies are subject to inspections at any time by their Safety Officers, the Safety Compliance Manager, the Administrative Services Director or any other person(s) working under the direct supervision of the Administrative Services Director. Access to all areas of a County Agency's facility and operations shall be granted to the individual authorized to perform the inspection. Any violation of the standards set forth in this policy or shall be brought to the attention of the Agency Head and the Safety Compliance Manager by the individual performing the inspection. A reasonable amount of time will then be given to correct the violation and the Agency Head will provide written verification to the Safety Compliance Manager when said violation is corrected.

- (A) If any County employee schedules – or becomes aware of – an inspection of County facilities and operations by a non-County business, individual, or regulatory agency, the employee shall immediately notify the Safety Compliance Officer.

- (B) Copies of any reports generated as the result of an inspection by a non-County business, individual, or regulatory agency, shall be immediately forwarded to the Safety Compliance Officer.

PROPERTY INSURANCE AND CLAIMS

- 1.15 PURPOSE** - The primary concern of an effective property insurance program is to reduce and prevent the occurrence of incidents which lead to damage or loss to County property and, when such events occur, to reduce their impact.
- 1.16 INSURANCE COVERAGE** - The County's property insurance covers direct losses to County property and is governed by the Memorandum of Coverage between ACIP and the County.
 - (A) Property losses shall be referred to the Administrative Services Director for determination of coverage.
 - (B) All covered losses shall be paid by ACIP, exclusive of any applicable deductibles.
 - (1) All applicable deductibles shall be paid by the County, and payment of such deductibles shall be processed by the Administrative Services Director.
- 1.17 CLAIM ADMINISTRATION** - All property claims shall be administered and tracked by the Administrative Services Director.
- 1.18 COLLECTION FROM LIABLE THIRD PARTIES** - The Administrative Services Director shall be responsible for determining whether collection activity is warranted and for pursuing such against third parties responsible for damage to County property.
- 1.19 SELF INSURANCE FUND** - The Administrative Services Director, under the direction of the County Administrator, shall be responsible for the management of the County self-insurance fund. Such management responsibilities shall include, but not be limited to, preparing an annual budget, creating requisitions to pay for the charges made against the fund, obtaining actuarial reports, allocating premium costs, and securing excess insurance to protect the integrity of the fund.
- 1.20 LOSS PREVENTION** - Loss prevention procedures such as employee training, use of safety devices and programs, regular inspections and risk assessments, and maintenance programs, shall be implemented to reduce the frequency or likelihood of property losses.
- 1.21 HAZARDOUS CONDITIONS** - Any employee who notices a hazardous, or potentially hazardous, condition in County buildings or on any property owned and maintained by the County, and which has the potential to cause injury to persons or damage to property, shall take appropriate action using the following guidelines:

- (A) Correct the problem causing the hazard (examples of problems that can be corrected by the employee include, but are not limited to, certain liquid spills, obstructions of exits/walkways by boxes/other materials, overloading power outlets by plugging in too many appliances, etc.).
- (B) If the problem causing a hazard is beyond the means of an employee to correct (i.e. electrical problems or structural hazards), the employee should notify the Agency Head and the Agency's Safety Officer who will be responsible for correcting the problem.
- (C) If the Agency Head and the Safety Officer need assistance in correcting the hazard within their Agency, the Agency Head should inform the Safety Compliance Officer and the Administrative Services Director of the problem. The Safety Compliance Officer and the Administrative Services Director will then assist the Agency Head in correcting the hazard.
- (D) If the Agency Head and the Safety Officer can correct the hazard, the Agency Head shall inform the Safety Compliance Officer of the hazard and of the remediation undertaken to correct it.

1.22 MAINTENANCE - All County property shall be maintained in a safe and working order and care shall be exercised by all employees to protect said property from any and all perils.

1.23 SECURITY – All County employees shall be responsible for preventing loss or damage to County property entrusted to their care.

- (A) **Business Equipment** – Employees shall assure that the County business equipment entrusted to their care is not used, stored or transported in a manner that would subject it to loss or damage.
- (B) **Vehicles** – Employees shall assure that County vehicles entrusted to their care are locked and have their ignition off when left unattended.
- (C) **Buildings** – Agency Heads are responsible for the security of the buildings entrusted to their oversight.
 - (1) **Proxy Cards** – For County buildings using proxy cards for employee admittance, and all Agencies subject to proxy card use, the following procedures shall be observed:
 - (a) **Agency Heads** – Agency Heads shall be responsible for their subordinates' use of proxy cards and the collection of said cards upon an employee's separation from the Agency. Agency Heads who collect an employee's card upon said employee's separation from the Agency shall take immediate steps to assure that the card is properly deactivated.
 - (b) **Employees** – Since proxy cards are the property of the County, employees shall surrender their proxy card to their Agency Head upon request of the Agency Head.

Employees shall use their proxy cards in accordance with this policy and all other County policies and shall not use them for any unlawful purpose or in a manner that would compromise the security of County property and employees. Employees shall surrender their cards upon their resignation, termination, or assignment to a new Agency. If an employee loses his/her proxy card, the employee shall be responsible for paying the costs to produce a new card.

- (D) **Computer Security** – Security of County computer systems connected to the County's computer network shall be governed by the policies developed and promulgated by the County's Information Technology Services Department and which have been approved by the Board of Supervisors. Security of County computer systems not connected to the County's computer network shall be the responsibility of the Agency Head.

1.24 LOSS MITIGATION - All employees shall take immediate action following a property loss to reduce its physical and/or financial impact on the County.

1.25 PROPERTY CLAIMS PROTOCOL - In the event a property loss to the County, all County employees shall implement the following protocol:

- (A) The Administrative Services Director shall be immediately notified of any and all damage to County property.
- (B) Immediately, or as soon as practically possible, after a loss to County property occurs, employees shall take reasonable steps to protect the property against further loss.
- (C) The Agency experiencing the loss to County property shall complete an Incident Report Form and forward it to the Administrative Services Director and the Safety Compliance Officer.

(1) All approved loss payments shall be processed by the Administrative Services Director.

- (a) The Agency experiencing the loss shall provide to the Administrative Services Director all invoices, receipts, repair estimates and any other documents in connection with the repair or replacement of the damaged property.

- (D) The Administrative Services Director shall be contacted concerning any questions regarding property claim protocol.

1.26 INSPECTIONS - All County Agencies are subject to inspections at any time by their respective Safety Officers, the Safety Compliance Manager, the Administrative Services Director, or any other person(s) working under the direct supervision of the Administrative Services Director. Access to all areas of a County Agency's facility and operations shall be granted to the individual authorized to perform the inspection. Any violation of the standards set forth in this policy or the standards promulgated by OSHA will be brought to

the attention of the Agency Head and the Safety Compliance Manager by the individual performing the inspection. A reasonable amount of time will then be given to correct the violation and the Agency Head will provide written verification to the Safety Compliance Manager when said violation is corrected.

- (A) If any County employee schedules – or becomes aware of – an inspection of County facilities and operations by a non-County business, individual, or regulatory agency, the employee shall immediately notify the Safety Compliance Officer.
- (B) Copies of any reports generated as the result of an inspection by a non-County business, individual, or regulatory agency, shall be immediately forwarded to the Safety Compliance Officer.

WORKERS' COMPENSATION INSURANCE AND CLAIMS

- 1.27 PURPOSE** - Workers' compensation insurance is a statutory, no-fault insurance that pays for medical treatment and, in some cases, wage compensation for employees injured on the job.
- 1.28 INSURANCE COVERAGE** - County employees are covered under workers' compensation insurance provided by the County for industrial injuries.
- 1.29 WORKERS' COMPENSATION FUND** - The Administrative Services Director, under the direction of the County Administrator, shall be responsible for the management of the County workers' compensation fund. Such management responsibilities shall include, but not be limited to, preparing an annual budget, creating requisitions to pay for the charges made against the fund, obtaining actuarial reports, allocating premium costs, and paying insurance premiums to ACIP.
- 1.30 REPORTING INJURIES** - Any employee injured during the course of employment with the County shall implement the following procedures:
 - (A) **Medical Treatment** – Any employee who is injured while working should seek medical attention at a facility that accepts workers' compensation insurance. .
 - (1) Supervisors shall have the authority to insist that an injured employee seek medical attention if said injury presents a hazard of further injury to the employee or others, or if the injury renders the employee incapable of performing their job duties in a safe and effective manner.
 - (2) Supervisors shall have the authority to deny an injured employee admittance to the workplace if: 1) such admittance is contrary to the instructions of the injured employee's physician, 2) such admittance to the workplace would contribute to the further injury, or aggravation of existing injuries, of the employee or 3) such admittance would be hazardous to the safety of the employee, his/her co-workers, or the workplace.

(B) Minor Injuries - Minor work-related injuries for which medical attention will not be sought shall be handled accordingly:

- (1) The injured employee shall notify his/her immediate supervisor of his/her injury.
- (2) Once notified by an employee of a work-related injury, the supervisor shall complete the *Supervisor's Report of Injury* and forward the completed form immediately to Human Resources. A copy of the form as well as a First Fill Prescription form shall be provided to the employee to be used if the employee decides to seek medical attention.
- (3) Upon receipt of the *Supervisor's Report of Injury*, Human Resources shall retain the original copy in an appropriate file and enter the incident into the County's online database. Human Resources shall then follow up with the employee to check on their health status and to explain their rights and responsibilities in the workers' compensation claim process. The Human Resources Director, Safety Compliance Manager and the Administrative Services Director shall be notified of the report of injury.
- (4) If within one year after a minor injury, the employee intends on seeking medical treatment for his or her injury, the employee shall notify his or her supervisor who will, in turn, notify Human Resources.
 - (a) Upon receiving notification that an employee intends on seeking medical attention for his or her injury, the Human Resources shall follow the procedures in Section 1.30(C)(5).
 - (b) When seeking medical attention for his/her industrial injury, the employee shall follow the guidelines in Section 1.30(C)(6) through Section 1.30(C)(8).

(C) Serious Injuries - Serious work-related injuries for which medical attention will be sought shall be handled accordingly:

- (1) If the injured employee is unconscious or otherwise incapacitated by his/her injury, any employee assisting the injured employee shall immediately call emergency services by dialing 911.
- (2) If the injured employee is conscious and not rendered incapacitated by his/her injury, the injured employee shall notify his/her immediate supervisor of the injury.
- (3) If the injured employee is unable to notify his supervisor due to the severity of his/her injuries, any employee assisting the injured employee shall notify the supervisor.
- (4) Once notified by an employee of a serious, work-related injury for which the employee

intends on seeking medical treatment, the supervisor shall complete the *Supervisor's Report of Injury* and forward the completed form immediately to Human Resources.

- (5) Upon receipt of the *Supervisor's Report of Injury* in connection with an injury for which the employee intends on seeking medical treatment, Human Resources shall complete the *Employer's Report of Industrial Injury*, submit it, along with any medical treatment reports, to ACIP via the County's online web portal. Human Resources shall then contact the appropriate ACIP adjuster, the Human Resources Director and the Safety Compliance Manager to advise him/her that the claim has been entered into the database, any time loss and availability of accommodations. The Administrative Services Director shall also be notified of the claim.
 - (a) If the employee is given work restrictions, Human Resources shall inform Department Head of the restrictions and request necessary accommodations on behalf of the employee. Human Resources shall then contact the injured employee to notify him/her whether or not their department is able to accommodate the restrictions given by medical provider. If the injured employee is put on temporary total disability (TTD) or the department is unable to accommodate, FMLA may be initiated.
 - (b) Human Resources shall maintain continued contact with ACIP's assigned adjuster, the injured employee and the Human Resources Director, providing all with updates, changes and claim concerns. In the event of a possible claim settlement, ACIP's adjuster shall contact the Administrative Services Director or designated representative. The Administrative Services Director will then notify the County Administrator and the Human Resources Director of the proposed settlement and arrange a meeting to discuss the County's options.
- (6) Employees seeking medical attention for job-related injuries shall be required to use a medical provider that accepts workers' compensation insurance.
- (7) Employees shall inform the medical provider that the injury he/she is seeking treatment for is work-related by providing said medical provider with a copy of the *Supervisor's Report of Industrial Injury*. If a copy is unavailable to the employee at the time medical treatment is sought, the employee shall verbally inform the medical provider that his/her injury is work-related.
- (8) After completing his/her portion of the *Physician's Report of Injury* employees shall request that the medical provider complete the physician's portion of the form and forward it to the County's claim administrator.

(D) Death - Work-related injuries resulting in the death of an employee within 30 days of the injury

shall be immediately reported to Human Resources, who shall then notify the Arizona Department of Occupational Safety and Health within 8 hours of the death.

(E) Inpatient Hospitalizations, Amputations, and Eye Losses – Hospitalizations, amputations and eye losses occurring within 24 hours of the work-related incident shall be immediately reported to Human Resources, who shall then notify the Arizona Department of Occupational Safety and Health within 24 hours of the hospitalization, amputation, or eye loss.

(F) OSHA Industrial Injury Log – All industrial injuries for which employees seek medical attention shall be recorded on the OSHA Log by the Administrative Services Director.

(1) Human Resources shall be responsible for maintaining the OSHA Log, including the proper classification of industrial injuries as recordable or non-recordable pursuant to OSHA guidelines.

(2) Human Resources shall be responsible for issuing the yearly summary of industrial injuries for the County and for completing all reports required by OSHA and the Department of Labor.

(G) Claim Reviews – Human Resources will coordinate quarterly claim review meetings with ACIP's adjuster, the Human Resources Director, the Human Resources Employee Relations Coordinator, the Safety Compliance Manager, the Employee Relations/Risk Specialist and the Administrative Services Director. ACIP shall send monthly claim reports to the foregoing individuals.

(H) Claim Payments – Human Resources shall review monthly workers' compensation invoices received from ACIP for accuracy and then process them for payment. All expenses shall be paid out of the County's workers' compensation fund and shall be approved by the Administrative Services Director.

1.31 MANAGEMENT OF WORKERS' COMPENSATION CLAIMS – Management of all workers' compensation claims shall be the responsibility of Human Resources and ACIP.

(A) Human Resources shall perform a thorough investigation of each claim to determine compensability.

(1) An employee who files a workers' compensation claim shall cooperate fully with Human Resources or the person(s) designated by the Human Resources Director to assist him/her in the administration of the employee's claim.

(2) Agency Heads or their supervisory personnel shall not limit or restrict the Human Resources' access to the injured employee, his/her supervisors, or witnesses of the injury during the investigation of the claim nor shall they take unilateral action that would impede

the investigation or adversely affect the claim's proper administration.

- (a) Agency Heads may, in their discretion, assign a contact person for their respective agency that Human Resources shall be required to speak to when the employee's claim affects their employment or work status. Such a circumstance may include, but not be limited to, availability of modified work duties or employment status under the Family and Medical Leave Act.
- (3) If an Agency Head or employee's supervisor believes an employee is malingering, questions the efficacy of the employee's medical treatment, or has doubts about the compensability of an employee's claim, the Agency Head or supervisor shall immediately contact Human Resources to discuss his/her concerns.
 - (a) Human Resources shall promptly investigate claim concerns and take appropriate action in accordance with state workers' compensation laws and insurance industry claim management standards.
 - (b) Agency Heads and/or supervisory personnel shall not direct medical care, schedule independent medical exams, or take similar actions that would be considered claim management without the prior consent and approval of Human Resources.
- (4) If an employee's workplace injury was due to an unsafe condition or the employee's unsafe behavior, the incident shall be fully investigated by the Agency Head and appropriate correction implemented. The Agency Head shall then notify the Safety Compliance Manager of the findings of the investigation and the correction(s) made.
- (B) **Coordination of Benefits** - In its workers' compensation claim management process, Human Resources shall ensure the appropriate coordination of FMLA, return to work, disability insurance, and employment status of employees who have workers' compensation claims that involve time away from work.
- (C) **Volunteers** – Pursuant to Yuma County Resolution No. 10-43 all individuals approved to perform work for the County on a volunteer basis, shall receive workers' compensation coverage under the County's self-insured workers' compensation program.
 - (1) **Approval of Volunteer** - In order for an individual to be considered a qualified volunteer eligible for workers' compensation benefits, he/she must be approved as a volunteer by the Agency Head and the County Administrator.
 - (a) All Agency Heads utilizing non-County employees to perform volunteer work shall send a list of volunteers to the County Administrator. The list shall contain a

statement by the Agency Head that the Agency Head approves the non-County employee as a volunteer and the nature of the work that said volunteer shall perform. The Agency Head shall sign the list before forwarding it to the County Administrator.

(b) Upon receipt of an Agency Head's list of approved volunteers, the County Administrator shall review the list and the proposed job duties and determine eligibility for workers' compensation coverage.

(i) If the County Administrator denies eligibility for workers' compensation benefits to any of the proposed volunteers on the list forwarded by the Agency Head, the County Administrator shall inform the Agency Head, in writing, of his decision to deny insurance coverage.

(ii) If the County Administrator approves for workers' compensation benefits the volunteers on the list forwarded by the Agency Head, the County Administrator shall sign the list indicating his/her approval and forward the original signed list to the Payroll Accountant in the Finance Department and provide a copy to Human Resources.

(iii) The decision of the County Administrator regarding eligibility of volunteers for workers' compensation coverage is final and not subject to appeal.

(2) **Eligibility for Insurance Coverage** – Eligibility for workers' compensation coverage does not guarantee compensability. Each claim filed by a Yuma County volunteer requesting coverage under the County's workers' compensation insurance will be individually reviewed for compensability determination.

1.32 INSPECTIONS - All County Agencies are subject to inspections at any time by their Safety Officers, the Safety Compliance Manager, the Administrative Services Director, or any other person(s) working under the direct supervision of the Administrative Services Director. Access to all areas of a County Agency's facility and operations shall be granted to the individual authorized to perform the inspection. Any violation(s) of the standards set forth in this policy or local, State or Federal rules and regulations will be brought to the attention of the Agency Head and the Safety Compliance Manager by the individual performing the inspection. A reasonable amount of time will then be given to correct the violation(s) and the Agency Head will provide written verification to the Safety Compliance Manager when said violation(s) are corrected.

(A) If any County employee schedules – or becomes aware of – an inspection of County facilities and operations by a non-County business, individual, or regulatory agency, the employee shall immediately notify the Safety Compliance Manager.

(B) Copies of any reports generated as the result of an inspection by a non-County business, individual,

or regulatory agency, shall be immediately forwarded to the Safety Compliance Manager.

UNEMPLOYMENT INSURANCE AND CLAIMS

1.33 PURPOSE – Unemployment insurance is a mandatory social insurance program that assists employees who, through no fault of their own, become unemployed. However, in order to protect the program from fraud and abuse, careful response to and monitoring of unemployment claims is essential.

1.34 ADMINISTRATION OF CLAIMS – Management of all unemployment claims shall be the responsibility of the Yuma County Human Resources Department (Human Resources).

(A) Notification – Upon receiving the notification of a claim from the Department of Economic Security (DES), Human Resources shall determine if the claimant was an employee of the County.

(1) If the claimant was an employee of the State of Arizona, the claim shall be forwarded to the appropriate state office for processing.

(a) The County shall not be responsible for responding to unemployment claims filed against a state office.

(b) The County may, pursuant to a properly executed *Memorandum of Understanding* or *Intergovernmental Agreement*, represent a state office in responding to unemployment claims filed against it.

(c) All payments for unemployment claims charged to the County for claims filed against state offices shall be reimbursed by the state office that employed the claimant unless alternative payment arrangements have been made pursuant to a properly executed *Memorandum of Understanding* or *Intergovernmental Agreement*.

(2) If the claimant was a County employee, the Employee Relations Representative shall notify the Administrative Services Director and the HR Director of the notice. The Employee Relations Representative shall also notify the appropriate department head/elected official of the claim filing and request required documentation necessary to provide a response to DES. Agency Heads and their personnel shall cooperate with Human Resources in the investigation.

(a) The Employee Relations Representative shall meet with the Human Resources Director, discuss the facts of the claim and make a recommendation regarding eligibility. The Human Resources Director, with guidance from the County Attorney,

shall determine if the circumstances and Arizona Administrative Code support a protest of benefit eligibility.

- (B) **Response to DES** – After investigation of the claim, and within ten (10) working days, the Employee Relations Representative shall forward all required employment, separation, wage, and disciplinary information to DES, noting any reason the County may have for protesting the claimant's eligibility for unemployment benefits.
- (C) **Appeals and Petitions for Review** – When the Employee Relations Representative receives the *Determination of Deputy* from DES, he/she shall meet with the Human Resources Director to discuss the determination and if an appeal is warranted. If an appeal should be filed, the Human Resources Director will notify the County Attorney of the intent to appeal. The decision whether to appeal shall be made by the Human Resources Director after consulting with the County Attorney. The Employee Relations Representative will then contact the appropriate department head/elected official to advise him/her of the determination of the DES Deputy, the County's intent to appeal the determination, and to obtain any input. The Employee Relations Representative shall work with the department head/elected official and the County Attorney to prepare the appeal for submission.
- (1) The Employee Relations Representative shall submit the appeal to DES within fifteen (15) days of the mailing date on the *Determination of Deputy* form received from DES.
 - (2) When the Employee Relations Representative receives the *Notice of Hearing* he/she will notify the department head/elected official and the County Attorney of the hearing date and time and provide all documentation necessary to prepare for the hearing.
 - (3) If the County's appeal is not granted, the decision to file a *Petition for Review* shall be handled in the same manner outlined in 1.34(C) of this policy.
 - (4) When the Employee Relations Representative receives the final decision from DES, he/she shall notify the Agency Head, the County Attorney, the Human Resources Director and the Administrative Services Director.
- (D) **Account Charges** – Upon receiving the quarterly **Benefit Charge Notice** from DES, the Employee Relations Representative shall check it for accuracy. If inaccuracies are found, the Employee Relations Representative shall meet with the Human Resources Director to review the errors. The Employee Relations Representative shall then draft a written request for redetermination for signature by the Human Resources Director and then file the request with DES within fifteen (15) days of the mailing date on the *Benefit Charge Notice*. If the *Benefit Charge Notice* is correct, the Employee Relations Representative shall process the invoice for payment from the County's self-insurance fund.
- (1) Human Resources shall be responsible for tracking all claim payments, decisions, and other

data necessary to properly allocate insurance premiums to the various County departments. Human Resources shall provide the Administrative Services Director with the following information: claimant name, department formerly employing claimant, reason for separation, and whether or not the claim will be protested. Human Resources shall also forward to the Administrative Services Director all claim decisions issued by DES.

- (2) All expenses shall be approved by the Administrative Services Director and a copy of the *Benefit Charge Notice* shall be forwarded to the Human Resources Director, the County Administrator and the Administrative Services Director.
- (E) All forms received by Human Resources from DES and which relate to payroll audits or verifications shall be forwarded to the payroll division of the Financial Services Department upon receipt.

SECTION 2 SAFETY

OCCUPATIONAL HEALTH AND SAFETY

2.00 PURPOSE - Occupational health and safety is an integral part of an effective enterprise risk management program. Maintaining the health and safety of employees and their work areas will improve the productivity and morale of employees, reduce insurance costs, and help the County avoid safety violations and fines.

2.01 TRAINING - Training shall be implemented in three general ways: Primary, Refresher, and Corrective.

- (A) **Primary Training** - Upon their hire, all new employees shall receive initial training to assist them in understanding how to carry out their duties. All primary training should be done under the supervision of personnel designated by the Agency Head.
- (B) **Refresher Training** - Agency Heads shall have programs in place that will serve to continually educate their staff about the legal and technological changes which directly affect their job duties.
- (C) **Corrective Training** - When employee performance becomes substandard, corrective training will be provided to the substandard employee in order to ensure the quality and safety of the County's workplace.
- (D) **Cooperation By Employees** - All employees shall accept, implement and cooperate with all training provided to them by their Agency Head. Any employee who fails to do so will be subject to discipline pursuant to the County's Personnel Rules and Regulations.

2.02 HEALTH & SAFETY PROGRAMS - The health and safety of a workplace is governed by standards

implemented and enforced by OSHA as well as other local, State and Federal rules and regulations. Employees shall receive training about the proper use of any equipment required in the performance of their job.

- (A) **Hazard Communication (HAZCOM)** - Each Agency Head shall provide information to their employees about the hazardous chemicals and processes to which they are exposed, by means of a hazard communication program, labels and other forms of warning, safety data sheets, and training. Each County department shall keep a copy of the Board approved *Yuma County Hazard Communication Program* (HAZCOM) in the Safety Data Sheet binder located in their Agency. All County employees shall follow the guidelines of the HAZCOM program.
- (B) **Personal Protective Equipment (PPE)** – Each Agency Head shall provide to his/her employees protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shield and barriers wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact. Each Agency Head shall be responsible for assuring that the PPE provided to employees is adequate and maintained in safe working order.
 - (1) The Agency Head or his/her designated representative shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of PPE and, if such hazards are present or likely to be present, to provide the appropriate PPE to their employees.
 - (2) Agency Heads shall be responsible for training their employees in the proper use and maintenance of PPE.
 - (3) Where employees provide their own PPE, the Agency Head shall be responsible to assure its adequacy and that the employee is provided with training in its proper use and maintenance.
 - (4) Employees who are provided PPE by the County shall be held responsible for any intentional or negligent destruction or damage of said equipment.
 - (5) Defective or damaged PPE shall not be used.
- (C) **Lockout/Tagout** - All County Agencies whose employees are involved in the service, repair, or maintenance activities of machinery and equipment where the employee may be exposed to the release of hazardous energy shall establish a Lockout/Tagout program to safeguard employees from the unexpected startup of machinery and equipment or the release of hazardous energy during the service, maintenance or repair activities.

(1) The standard does not apply in situations, when:

- (a) Exposure to hazardous energy is controlled completely by unplugging the equipment from an electrical outlet and where the employee performing the service has exclusive control of the plug. This applies only if electricity is the only form of hazardous energy to which employees may be exposed; or
- (b) An employee performs hot-tap operations on pressurized pipelines that distribute gas, steam, water, or petroleum products, for which the employer shows that continuity of service is essential, shutdown of the system is impractical and the employee follows documented procedures and uses special equipment that provides proven, effective employee protection; or
- (c) The employee is performing minor tool changes or other minor servicing activities that are routine, repetitive, and integral to production, and that occur during normal production operations. In such cases, employees must have effective, alternative protection.

(D) **Ergonomics** - All Agency Heads shall be responsible for investigating and correcting ergonomic problems that pose an immediate danger, or are causing current harm or injury, to their employees. Such ergonomic problems can be brought to the attention of the Agency Head by his/her employees, the agency's Safety Officer, the Safety Compliance Manager, or the Administrative Services Director.

(1) **Behavior Modification** – If the practice of an employee is causing an ergonomic problem, which in turn is causing, or has the potential to cause, harm or injury, the employee shall be provided training to correct the problem.

- (a) Any employee who is provided ergonomic training shall, to the extent practicable, be required to implement said training.
- (b) Any employee who is provided ergonomic training and who fails, or refuses, to implement such training, may be subject to discipline pursuant to the County's Personnel Rules and Regulations.

(2) **Environmental Modification** – If the condition of the workplace is unsafe or poses hazards to the health and welfare of any employee, the Agency Head shall be responsible for making appropriate modifications to correct the hazardous condition.

- (a) Such conditions can be brought to the attention of the Agency Head by his/her employees, Safety Officer, the Safety Compliance Manager, or the Administrative Services Director.

- (b) Prior to alteration of the work environment by the Agency Head, it must be established by the Safety Compliance Manager that the condition is causing, or has the potential to cause, harm or injury, or that it violates applicable laws.
- (3) **Administrative** – If the practice of an Agency Head or supervisory employee is causing an ergonomic problem, which in turn is causing, or has the potential to cause, harm or injury, the Agency Head or supervisory employee shall modify said practice to correct the hazard-causing practice.
 - (a) Such practices can be brought to the attention of the Agency Head by his/her employees, Safety Officer, the Safety Compliance Manager, or the Administrative Services Director.
 - (b) Prior to alteration of such practices by the Agency Head, it must be established by the Safety Compliance Manager that the practice is causing, or has the potential to cause, harm or injury, or that it violates applicable laws.
- (E) **Fire Safety** - All Agencies shall develop and implement their own safety protocols and fire evacuation procedures to prevent and reduce losses from fire and all employees shall implement and support such protocols. Agency Heads shall provide to the Safety Compliance Manager a copy of their Agency's fire safety and evacuation policies and procedures.
 - (1) **Equipment** – Yuma County Facilities Management shall ensure that required inspections, testing, and preventive maintenance are performed and documented on all facility fire alarm devices and fixed and portable extinguisher systems under the control of Facilities Management.
 - (2) **Evacuation Maps and Exits** – Evacuation route maps indicating the shortest route to a designated exit door shall be posted at all Agency locations.
 - (a) Evacuation route maps shall clearly depict primary and secondary evacuation routes from all work areas, location of alarm devices, and the location and type of fire extinguishing equipment.
 - (b) Evacuation route maps shall be posted at doorways providing access to exits, main reception areas, maintenance shop areas, and any other work area where employees are routinely assigned to perform duties.
 - (c) Every exit and exit access shall be marked by a readily visible sign. Any door, passage, or stairway which is neither an exit nor an exit access, and could be mistaken for an exit, shall be identified by a sign reading "Not an Exit" or

indicating its actual destination (i.e. "Basement," "Storeroom," "Closet").

- (d) Every aisle or exit access to a designated exit door shall be a minimum of 28" wide and shall be maintained free of obstructions. Designated exit doors shall be unlocked during working hours to allow egress in the event of an emergency.
- (3) **Fire Drills** – Agency Heads shall be responsible for assuring that their Agency has its own fire evacuation plan and that fire drills are conducted for the benefit of their personnel.
 - (a) Each Agency Head shall provide a copy of their Agency's fire evacuation procedure to the Safety Compliance Manager.
 - (b) At a minimum, each Agency, with the exception of the County Library, shall conduct a fire drill once each year.
 - (i) At a minimum, the County Library and its branches shall conduct a fire drill once every three (3) months.
 - (c) Each Agency Head shall document execution of his/her Agency's fire drills and forward a copy of said documentation to the Safety Compliance Manager.
 - (d) All employees shall participate in their Agency's fire drills and shall cooperate with their Agency Head's instructions in connection therewith.
 - (e) Any employee who refuses to participate in their Agency's fire drill may be subject to discipline pursuant to the County's Personnel Rules and Regulations.
- (4) **Prevention** – All employees shall be responsible for preventing the occurrence of fire within their Agency.
 - (a) Smoking is prohibited in all County buildings.
 - (b) All flammable and combustible materials shall be handled and stored in accordance with the manufacturer's recommendations.
 - (c) Ignition sources shall be isolated from potential fuel sources to the maximum extent practicable.
 - (d) Employees shall not have lighted candles or other open flames in County buildings unless such open flames are necessary to the performance of the employee's job duties (i.e. welding, torch cutting operations, etc.) or are a part of the practice of an employee's religion.
 - (i) In the limited instances wherein employees are allowed to have open

flames, said employees shall closely monitor such flames, never leave them unattended, and use them in a manner that will not cause a fire hazard or have an adverse effect upon the health and welfare of their fellow employees and/or the workplace.

- (e) Approval of the use of space heaters by employees shall rest with the Agency Head. In the event an Agency Head approves of the use of a space heater by his/her employee, said use shall be limited by the following rules:

- (i) Space heaters shall be UL (Underwriter's Laboratory) approved;
- (ii) Space heaters shall not be left unattended when in use; and
- (iii) A minimum of three (3) feet of space shall be maintained around the space heater.

2.03 INSPECTIONS - All County Agencies are subject to inspections at any time by their respective Safety Officers, the County's Safety Compliance Manager, the Administrative Services Director, or any other person(s) working under the direct supervision of the Administrative Services Director. Access to all areas of a County Agency's facility and operations shall be granted to the individual authorized to perform the inspection. Any violation(s) of the standards set forth in this policy or local, State or Federal rules and regulations will be brought to the attention of the Agency Head and the Safety Compliance Manager by the individual performing the inspection. A reasonable amount of time will then be given to correct the violation(s) and the Agency Head will provide written verification to the Safety Compliance Manager when said violation(s) are corrected.

- (A) If any County employee schedules – or becomes aware of – an inspection of County facilities and operations by a non-County business, individual, or regulatory agency, the employee shall immediately notify the Safety Compliance Manager.
- (B) Copies of any reports generated as the result of an inspection by a non-County business, individual, or regulatory agency, shall be immediately forwarded to the Safety Compliance Manager.

INSURANCE PROCUREMENT AND SAFETY RESPONSIBILITIES

2.04 PURPOSE - For an enterprise risk management policy to be effective, all individuals subject to said policy should know their responsibilities. This section serves to identify those responsible for the procurement of insurance and the overall safety of the County.

2.05 INSURANCE PROCUREMENT - The Administrative Services Director shall work with ACIP to procure and maintain insurance coverage with adequate limits.

- (A) If the Administrative Services Director utilizes an insurance broker to obtain quotes from insurers willing to offer insurance to insure the County's loss exposures, the Administrative Services Director shall obtain the services of the insurance broker through a competitive bidding process that complies with the Yuma County Purchasing Policy and applicable state law.
 - (1) Contracts for insurance broker services shall be for a term of no more than four (4) years and shall be renewable on a yearly basis during the term of the contract.
 - (2) The Administrative Services Director or his/her designee shall be responsible for drafting and advertising the *Request for Proposal* for all insurance broker services.
- (B) All employees shall cooperate fully with the Administrative Services Director and provide all requested information for insurance renewals in a timely manner.
- (C) All County Agencies requiring specialized insurance (i.e. Aircraft Hull and Liability, Underground Storage Tank Liability, Fiduciary Liability, etc.) shall cooperate fully with the Administrative Services Director in procuring said insurance and provide, in a timely manner, all requested information and complete all necessary applications.

2.06 ENTITY-WIDE SAFETY - All County employees shall be responsible for working safely, maintaining their work areas in a safe condition, and shall be required to sign a statement indicating that they have read the *Yuma County Enterprise Risk Management, Occupational Health and Safety Policy* in its entirety.

- (A) **Safety Compliance Manager** - The County's Safety Compliance Officer ensures county-wide compliance with applicable safety laws, rules, and regulations. Agency Heads, Supervisors, Safety Officers, and employees shall cooperate fully with the Safety Compliance Officer by correcting building and operational safety deficiencies discovered by the Safety Compliance Officer.
- (B) **Employees** - Each employee is responsible for working in a safe, efficient manner. If an employee observes an unsafe condition or behavior in their work area, the employee is required to report the condition or behavior to his Agency's Safety Officer. Additionally, if an employee has suggestions for improving the overall safety of his/her department he/she shall discuss this with his/her Agency's Safety Officer.
- (C) **Supervisors** - Supervisors shall be responsible for monitoring the work habits of their subordinates and encouraging them to work safely and effectively. Supervisors shall respond to reports of unsafe conditions, processes, and/or behaviors and take action to correct the unsafe conditions, processes, and/or behaviors.
- (D) **Agency Heads** - Each Agency Head shall be responsible for maintaining a safe working environment and for designating a Safety Officer for his or her Agency.

- (E) **Safety Officers** - Each Agency Head shall designate an individual to serve as its Safety Officer. It is preferable that the designated person have some type of experience in the field of safety, although this shall not be a requirement.
- (1) The Safety Officer shall monitor the working conditions in his or her agency and make reports and recommendations to the Agency Head and the County's Safety Compliance Officer as needed. The Safety Officer shall conduct, at a minimum, one (1) agency safety inspection every three (3) months and shall document each inspection with a written report, providing a copy of each report to the County's Safety Compliance Officer.
 - (2) Safety Officers shall be responsible for encouraging their fellow employees to work safely and effectively. Safety Officers shall notify the appropriate Agency Supervisor of any reports of unsafe conditions, processes, and/or behaviors.
- (F) **Employee Safety Orientation** - Upon hire, each new employee shall receive safety orientation training from the agency's Safety Officer. The Safety Officer shall document the training using the County's *Internal Department Safety Orientation Guide* and forward a copy of the completed guide to the County's Safety Compliance Officer no later than two (2) weeks following the employee's hire.
- (G) **Safety Committee** - To ensure a safe working environment, a Safety Committee shall be established. It is the responsibility of this committee to assist the Safety Compliance Manager in developing and implementing safety programs, assessing the levels of risk in various County departments, ensuring compliance with OSHA regulations, and considering complaints and suggestions from employees.
- (1) The Safety Committee will be comprised of a Chairperson and the individual Safety Officers from each County Agency.
 - (a) The Safety Committee will meet at least once every three months. Additional meetings can be called by the Chairperson, as needed.
 - (b) Two weeks prior to each Safety Committee meeting, each Safety Committee Member shall provide the Chairperson a written report that will address any problems, improvements, suggestions, etc. originating from his/her agency. The Chairperson shall utilize the reports of each Committee Member when developing the agenda for the annual meeting.
 - (2) The Safety Committee Chairperson will be a permanent position held by the Safety Compliance Manager.

- (a) The Chairperson shall serve as the chairperson of the Safety Committee's annual meeting and will be responsible for producing and disseminating the meeting agenda to the Committee members prior to the meeting.
- (b) The position of Chairperson will be a required position held by the Safety Compliance Manager. The Safety Compliance Manager will not be eligible for any compensation in addition to his/her ordinary salary for serving as the Chairperson.
- (3) The Safety Committee will not have the authority to settle claims against the County nor will it administer property, casualty, workers' compensation, or unemployment claims.
- (4) Any safety concerns that arise in the course of the Safety Committee's annual meeting shall be noted and addressed by the Safety Compliance Manager.

SECTION 3

ENTERPRISE RISK MANAGEMENT

- 3.00 PURPOSE** – To properly manage the uncertainties that affect the County's objectives, an Enterprise Risk Management (ERM) program has been developed and implemented using a framework based upon the international standard on risk management (ISO 31000). The purpose of this framework is to integrate the management of risk into the County's governing, strategic planning, operational management, policies and procedures, and culture.
- 3.01 ENTERPRISE RISK DEVELOPMENT TEAM** – The Enterprise Risk Development Team (ERDT) is responsible for developing, implementing, and monitoring the County's (ERM) program, training key personnel from each County department/agency in the principles of ERM, and reporting project progress and results to the County's Enterprise Risk Committee. The ERDT's actions and activities are authorized and governed by the ERDT Charter.
- 3.02 ENTERPRISE RISK COMMITTEE** – The Enterprise Risk Committee (ERC) is responsible for alignment of organizational risk management strategies, acts as the supporter of the County's ERM program, and works closely with the ERDT. The ERC seeks to understand opportunities to use the process pro-actively as a method to reduce uncertainty and support achievement of the County's goals and objectives. The ERC's actions and activities are authorized and governed by the ERDT Charter.
- 3.03 PROGRAM FRAMEWORK** – The County's ERM program shall use as its framework the international standard on risk management, ISO 31000.
- (A) **Mandate and Commitment** – Agency heads participating in the County's ERM program shall support the activities of the ERDT and provide the commitment necessary to achieve program success.
 - (B) **Risk and Opportunity Assessments** – The ERDT shall schedule and facilitate risk and opportunity

assessment workshops with all County agencies in order to identify, analyze, evaluate, and treat all key risks. All data that is collected at said workshops shall be entered into an online database to be accessible by all participating employees.

- (C) **Ownership** – All risks and opportunities, as well as their respective treatments or plans of action, shall be assigned to specific employees for purposes of accountability. All employees assigned a particular risk or group of risks and their treatment(s) shall report their progress to the ERDT by providing quarterly updates on their activity or by entering the information directly into the County's online database.
- (D) **Continuous Monitoring and Improvement** – Agency heads participating in the County's ERM program shall partner with the ERDT to continually monitor and improve the program. Such monitoring shall include, but not be limited to, regularly reviewing risk treatments for efficacy, evaluating and learning from successes and failures, and identifying emerging risks.

SECTION 4

RISK MANAGEMENT POLICY REVIEW AND MODIFICATION

4.00 REVIEW - The *Yuma County Enterprise Risk Management, Occupational Health and Safety Policy* shall be regularly reviewed to maintain efficacy and ensure compliance with safety practices and legislation.

- (A) **Administrative Services Director** – Two years after the approval date of this policy and every two years thereafter, the Administrative Services Director shall review this policy to determine if modification is required.
- (B) **Agency Head** – At the request of any Agency Head, the Administrative Services Director shall review this policy, in whole or part, to determine if changes are required.

4.01 MODIFICATION – If changes in industry safety practices, local, state or federal law require that this policy be modified, the Administrative Services Director shall be responsible for such modification.

- (A) **Required** - If modification of this policy is required, the Administrative Services Director shall make the appropriate changes and thereafter submit the amended policy for approval by the Board.
 - (1) Should changes in local, state or federal law make any part of this policy contrary to said law, this policy shall be deemed immediately changed to conform to the applicable law. The Administrative Services Director shall then take immediate action to formally amend this policy pursuant to Section 4.01(A) of this Article.
- (B) **Not Required** - If modification is not required, the policy, as approved herein, shall remain in force